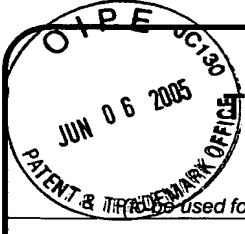


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|  TRANSMITTAL FORM (To be used for all correspondence after initial filing) | Application Number | 10/602,981 | |
| | Filing Date | June 24, 2003 | |
| | First Named Inventor | Roback | |
| | Art Unit | 1743 | |
| | Examiner Name | Cross, Latoya I. | |
| Total Number of Pages in This Transmission | 9 | Attorney Docket Number | 050508-1031 |

| ENCLOSURES (Check all that apply) | | |
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| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (Please Identify Below): Return Postcard; PTO-1449 form with four (4) references listed but not enclosed; Certificate of Mailing; Copy of ISR; Statement Under 1.97(e). |
| Remarks: The Commissioner is authorized to charge any fees that may be required by these papers, and to credit any overpayment to Deposit Account No. 20-0778 in the name of Thomas, Kayden, Horstemeyer & Risley LLP. | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|--|
| Firm or Individual | Cynthia J. Lee Thomas, Kayden, Horstemeyer & Risley, L.L.P. 100 Galleria Parkway, Suite 1750 Atlanta, Georgia 30339-5948 Tel. (770) 933-9500 Fax (770) 951-0933 Customer No. 24504 |
| Signature | <i>Cynthia J. Lee</i> |
| Date | 06/01/05 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
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| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: | | | |
| Typed or printed | Jennifer Pomonis | | |
| Signature | <i>J. Pomonis</i> | Date | 6/1/05 |



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Application of:

Roback et al.

Confirmation No.: 2039

Group Art Unit: 1743

Serial No.: 10/602,981

Examiner: CROSS, Latoya I.

Filed: June 24, 2003

Docket No.: 050508-1031

For: IMMUNOLOGICAL ASSAY SYSTEM AND METHOD

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This information disclosure statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, and specifically:

- ☐ under 37 CFR 1.97(b), or
(within Three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- ☒ under 37 CFR 1.97(c) together with either a:
☒ Statement Under 37 C.F.R. 1.97(e), or
☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the CFR 1.97(b) time period, but before the final office action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with a:
☐ Statement under 37 CFR 1.97(e), and
☐ a \$180.00 petition fee set forth in 37 CFR 1.17(p).
(Filed after final office action or notice of allowance, whichever occurs first, but before payment of the issue fee)

At any time during the pendency of this application, please charge any fees required to Deposit Account 20-0778 pursuant to 37 CFR 1.25. The Commissioner is hereby requested to credit any overpayment to Deposit Account No. 20-0778.

- ☒ Applicant(s) submit herewith *Form PTO 1449A - Information Disclosure Statement by Applicant* together with copies (where required) of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may or may not be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56. As required by 37 C.F.R. §1.98(a), a legible copy of each document is provided.
- ☐ A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individual(s) designated in 37 CFR 1.56(c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on the form PTO 1449 and is enclosed herewith.

The following rights are reserved by the Applicant(s): the right to establish the patentability of the claimed invention over any of the listed documents should they be applied as reference, and/or the right to prove that some of these documents may not be prior art, and/or the right to prove that some of these documents may not be enabling for the teachings they purport to offer.

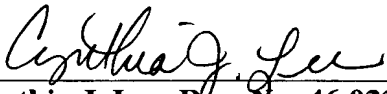
This statement should not be construed as a representation that an exhaustive search has been made, or that information more material to the examination of the present application does not exist. Any statements or identifications regarding the relevance of any portion(s) of cited references should not be construed as a representation that the most relevant portion(s) have been identified, and the absence of such statements or identifications should not be construed as representations that there are no relevant portion(s). The Examiner is specifically requested not to rely solely on the materials submitted herewith. The Examiner is requested to conduct an independent and thorough review of the documents, and to form independent opinions as to their significance.

It is requested that the information disclosed herein be made of record in this application and that the Examiner initial and return a copy of the enclosed PTO-1449 to indicate the documents have been considered.

Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

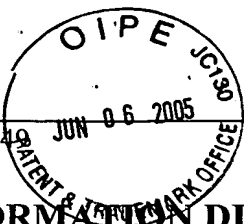
By:



Cynthia J. Lee, Reg. No. 46,033

100 Galleria Parkway, Suite 1750
Atlanta, Georgia 30339-5948
770-933-9500

Form PTO-1449

**INFORMATION DISCLOSURE CITATION***(Use several sheets if necessary)*

Attorney Docket No.

050508-1031

Serial No.

10/602,981

Applicant

Roback et al.

Filing Date

June 24, 2003

Group

1743**U.S. PATENT DOCUMENTS**

| Examiner Initials | Item | Document Number | Date | Name | Class | Subclass | Filing Date If Appropriate |
|-------------------|------|-----------------|------------|------------------|-------|----------|----------------------------|
| | 1 | 5,620,898 | 04/15/1997 | Yaremko et al. | G01N | 35/10 | |
| | 2 | 6,692,702 | 02/17/2004 | Burshteyn et al. | G01N | 1/34 | |
| | 3 | 6,008,040 | 12/28/1999 | Datar | B01D | 24/00 | |
| | 4 | 5,968,731 | 10/19/1999 | Layne et al. | C12Q | 1/70 | |
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FOREIGN PATENT DOCUMENTS

| | | Document Number | Date | Country | Class | Subclass | Translation |
|--|--|-----------------|------|---------|-------|----------|-------------|
| | | | | | | | Yes |
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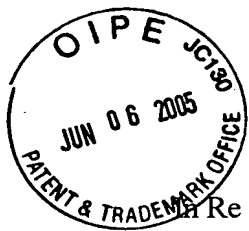
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

| | | |
|--|---|---|
| | 5 | International Search Report for PCT/US04/20380, mailed March 3, 2005. |
| | | |
| | | |
| | | |
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* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

EXAMINER'S SIGNATURE:

DATE CONSIDERED:



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Roback et al.

Serial No.: 10/602,981

Filed: June 24, 2003

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Group Art Unit: 1743

Examiner: CROSS, Latoya I.

Docket No.: 050508-1031

For: IMMUNOLOGICAL ASSAY SYSTEM AND METHOD

STATEMENT UNDER 37 C.F.R. §1.97(e)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The undersigned hereby certifies that either:

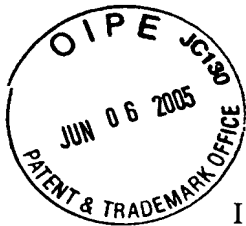
- ☒ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, or in a PCT Application, not more than three months prior to the filing of the Information Disclosure Statement, or
- ☐ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign office in a counterpart foreign application, and to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By: Cynthia J. Lee
Cynthia J. Lee, Esq., Reg. No. 46,033

100 Galleria Parkway, Suite 1750
Atlanta, Georgia 30339-5948
770-933-9500



CERTIFICATE OF MAILING

I hereby certify that the below listed items are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

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P.O. Box 1450
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on 6/1/05.

J. Pomonis
Jennifer Pomonis

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Transmittal Form;
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PTO-1449 Form with four (4) cited references listed but not enclosed; and
Copy of International Search Report;
Statement Under 1.97(e);
Certificate of Mailing.

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.